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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,922	03/01/2002	David F. Hare	060707-1210	3799

24504 7590 11/02/2006

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EXAMINER

DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/683,922

Applicant(s)

HARE ET AL.

Examiner

Duyen M. Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/06 has been entered. Claims 1-22,25-29 are amended for examination. Claims 23-24,30-41 are cancelled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8,11-16,19-22,25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travostino et al (us 2002/0080754) (hereinafter Travos).

As regarding claim 1, Travos discloses receiving, at a gateway (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050, TAP device receive message from TE device), a frame including data intended for receipt by an access concentrator that supports PPPoE (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050, the

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message intended for BE device, which support pppoe), wherein if the frame is a non-PPPoE frame from the client that does not support PPPoE, encapsulating, at the gateway, the first non-PPPoE frame to generate a PPPoE frame, wherein the PPPoE frame includes the data intended for receipt by the access concentrator and providing the PPPoE frame to the access concentrator from the gateway thereby establishing a virtual PPPoE session for the client that does not support PPPoE (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050, TAP device encapsulates message from TE device to form PPPoE and send this message to BE device).

Travos does not expressly disclose if the frame is a PPPoE frame from a client supporting PPPoE, forwarding the frame from the gateway to the access concentrator without additional gateway processing.

However, a person with ordinary skill in the art would recognizes that forwarding the PPPoE frame to the access concentrator without additional gateway processing is a obvious thing to do, it is obvious to forward the frame without additional processing, because it would save the processing time, avoid traffic and delay in the network.

As regarding claim 2, Travos discloses initiating a PPPoE session between the gateway and the access concentrator for the client (see pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050).

As regarding claim 3, Travos discloses wherein the non-PPPoE frame includes an IP packet (see Travos pg.1, par 0009).

As regarding claim 4, Travos discloses wherein the gateway includes one of a group consisting of: a digital subscriber line modem, a cable modem, a router, and a wireless access point (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050).

As regarding claim 5, Travos discloses receiving, at an input interface, the non-PPPoE frame from the client (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050); providing the non-PPPoE frame to a bridge; forwarding the non-PPPoE frame to a PPPoE stack from the bridge (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050).

As regarding claim 6, Travos discloses the input interface includes an Ethernet interface (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050).

As regarding claim 7, Travos discloses adding, at the PPPoE stack, a PPP header to the non-PPPoE frame to generate a PPPoE frame; and adding, at the PPPoE stack, a PPPoE header to the PPPoE frame to generate a PPPoE frame (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050).

As regarding claim 8, Travos discloses providing the PPPoE frame from the PPPoE stack to a frame reflector; providing the PPPoE frame from the frame reflector to the bridge; and providing the PPPoE frame from the bridge to an output interface for

output to the access concentrator (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050).

As regarding claim 11, Travos discloses receiving, at the gateway, a PPPoE frame from the access concentrator, wherein the PPPoE frame includes data intended for receipt by the client (see pg.5, par 0050); modifying, at the gateway, the PPPoE frame to generate a non-PPPoE frame, wherein the non-PPPoE frame includes the data intended for receipt by the client; and providing the non-PPPoE frame to client from the gateway (see pg.5, par 0050).

As regarding claim 12, Travos discloses receiving, at a gateway, a PPPoE frame from the access concentrator, the PPPoE frame data intended for receipt by the client (see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050); wherein if the data is intended for a non-PPPoE client that does not support PPPoE, deencapsulating, at the gateway, the PPPoE frame to generate a non-PPPoE frame, wherein the non-PPPoE frame includes the data intended for receipt by the client, and providing the non-PPPoE frame to the non-PPPoE client from the gateway(see Travos pg.2, par 0030, pg.3, par 0032; see pg.4, par 0041-0044, par 0048; pg.5, par 0050);

Travos does not expressly disclose otherwise, if the PPPoE frame is intended for a PPPoE client that supports PPPoE, forwarding the PPPoE frame from the gateway to the client without additional gateway processing.

However, a person with ordinary skill in the art would recognizes that forwarding the PPPoE frame to client that supports PPPoE without additional gateway processing is a obvious thing to do, it is obvious to forward the frame

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without additional processing, because it would save the processing time, avoid traffic and delay in the network.

As regarding claims 13-16,19-21, the limitations are similar to the limitation of claims 2-8,11, therefore rejected for the same rationale as claims 2-8,11.

As regarding claims 22,25-29, the limitations are similar to limitations of claims 1-8,11, therefore rejected for the same rationale as claims 1-8,11.

Claims 9-10,17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travostino et al (us 2002/0080754) (hereinafter Travos) in view of Ortega et al (us pat 6,711,162).

As regarding claim 9 and 10, Travos discloses the invention substantially as claimed in claim 8, Travos does not disclose the utopia and rfc 1483.

Ortega teaches the utopia and rfc 1483 interfaces (see Ortega col.7, lines 31-46; col.11, lines 55-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Ortega to the method of Travos because these interfaces allow connection between the clients and the access concentrator.

As regarding claims 17 and 18, the limitations are similar to limitations of claims 9-10, therefore rejected for the same rationale as claims 9-10.

***Response to Arguments***

Applicant's arguments with respect to claims 1-22 and 25-29 have been considered but are moot in view of the new ground(s) of rejection.



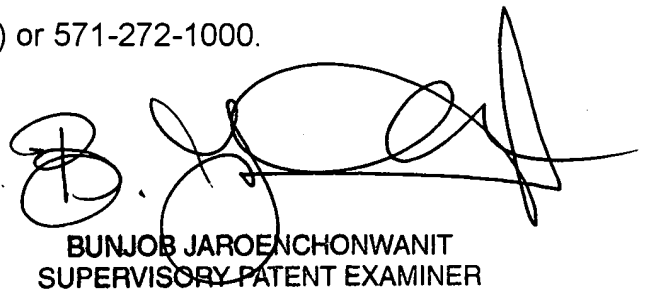
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner  
Duyen Doan  
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SUPERVISORY PATENT EXAMINER